

REMARKS

It is noted that claims 1-9 are pending in the application, that claims 1-7 stand rejected as discussed more fully below, and that claims 8 and 9 stand objected to but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 8 has been rewritten in independent form and, along with dependent claim 9, is believed to be in condition for allowance.

Claims 1-7 have been amended in a manner believed to distinguish over the references of record and are also believed to be in condition for allowance along with new claims 10-18 for the reasons discussed below.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph. Applicant's specification, and particularly paragraph No. 32, has been amended to define the top case housing 39a and the bottom case housing 39b as comprising, respectively, an upper case housing and a lower case housing without adding new matter. This amendment to applicant's specification is believed to overcome the rejection under 35 U.S.C. §112, and withdrawal of the rejection is earnestly solicited.

On the merits, claim 1 stands rejected under 35 U.S.C. §102(b) on the Scott reference (U.S. patent No. 1,174,185). Applicant's claim 1 has been amended to call for the carrier as having a generally C-shaped recess adapted to receive a baton inserted laterally into the recess with the carrier having a stop surface for engagement by the baton when fully inserted into the recess. Claim 1 also calls for over-center latching mechanism means supported by the carrier for cooperation with the baton when inserted laterally into the entry opening such that the baton is captured by the latching mechanism means and undergoes a snap-action movement into the

carrier and is held against the stop surface so as to releasably retain the baton within the scabbard.

The Scott reference, on the other hand, discloses a billiard cue rack that employs U-shaped springs 7 each of which is secured within a channel 6 formed in the member 4 and rotatably supports rollers 9 at the ends of the springs. The opposing faces of the rollers 9 are spaced apart a distance less than the diameter of the cues. In operation, the butts of the cues are first disposed in the pockets 3 and the upper ends are pushed inwardly in the corresponding recesses past the rollers 9. The resilient ends of the springs 7 allow the cues to be pushed between the rollers which decrease the resistance encountered when the cues are removed from or placed in the rack. The rollers 9 and associated U-shaped springs 7 do not constitute over-center latching mechanism means for cooperation with the cues such that the cues are captured by the latching mechanism means and undergo a snap-action movement into the cue support rack and are held against a stop surface so as to releasably retain the cues within the cue rack. It is respectfully submitted that the Scott reference does not constitute analogous prior art nor does it have structure or function that meets applicant's amended claim 1. The Scott reference must therefore fail as an anticipatory reference.

Claims 1-3 also stand rejected under 35 U.S.C. §102(b) on McFerren et al. (U.S. patent No. 5,992,811). The McFerren et al. reference discloses a clamp for securing secondary lawn care devices to a primary long care device. Neither of the two embodiments disclosed in the McFerrin et al. reference utilize a carrier having a generally C-shaped recess adapted to receive the implement and having a stop surface for engagement by the implement when fully inserted into the recess. Nor does the McFerren et al. reference utilize over-center latching mechanism means supported by a carrier so as to capture the secondary lawn care device and cause it to

undergo a snap-action movement into the carrier and be held against a stop surface as defined in applicant's amended claim 1, and thus also dependent claims 2-6. Accordingly, the McFerren et al. reference must also fail as an anticipatory reference.

Claims 5 and 6 both stand rejected under 35 U.S.C. §103(a) on the Scott reference in view of Nachtigal (U.S. patent No. 1,798,028). Claims 5 and 6 depend from amended claim 1 and are therefore believed to be allowable over the Scott reference taken alone or in combination with the Nachtigal reference. Accordingly claims 5 and 6 are believed to be allowable over Scott in view of Nachtigal.

Claims 4 and 7 stand rejected under 35 U.S.C. §103(a) on McFerren et al. in view of Bacheldor (U.S. patent 2,379,060). As noted, claim 4 depends from amended claim 1. Claim 7 has been amended to call for the carrier as having a generally C-shaped recess opening outwardly of the carrier and being open such that different length batons inserted laterally within the recess engage a stop surface when fully inserted into the recess. Amended claim 7 also calls for over-center latching mechanisms within the carrier comprising two sets of roller assemblies, each roller assembly having a front roller and a rear roller that pivot together about a pivot axis such that lateral insertion of a baton into the scabbard recess effects progressive engagement with the front rollers and then the rear rollers in a manner to cause the baton to undergo a snap-action movement into the scabbard recess and be releasably retained in place against the stop surface. This structure is not taught or suggested in either the McFerren et al. or Bacheldor references, wherefore claims 4 and 7 are believed to be in condition for allowance.


New claims 10-17 depend, either directly or indirectly, from amended claim 1 and call for additional features of applicant's scabbard. Claims 10-17 are also believed to be allowable along with new independent claim 18.

In view of the foregoing, allowance of amended claims 1-9 and new claims 10-18 is believed to be in order and such action is earnestly solicited.

Should the Examiner determine that a telephone conference with applicant's undersigned attorney would expedite prosecution of the application, it is respectfully requested that the Examiner initiate such a telephone conference.

Respectfully submitted,

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